United Nations A/AC.109/2111

General Assembly

Distr.: General
1 June 1998

Original: English

Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

East Timor

Working paper prepared by the Secretariat

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I. General

1. The Territory of East Timor comprises the eastern part of the island of Timor, which is located at the top of the chain of islands forming the Republic of Indonesia; the enclave of Oecusse Ambeno; the island of Atauro, off the northern coast of Timor; and the island of Jaco, off its extreme tip. It lies between latitudes of 8°17'S and 10°22'S and longitudes 123°25'E and 127°19'E. The 1980 census recorded the total population of the Territory at 555,350. According to Indonesian Government estimates, as of 1997, the population of the Territory was 857,000.[1]

II. Political developments

A. Background

2. According to Indonesian Law 7/76 of 17 July 1976, East Timor is a province or a "first-level region" of Indonesia, with a Government consisting of a "Regional Secretariat" and a "Regional House of Representatives". East Timor is represented in the National House of Representatives and in the People's Consultative Assembly of Indonesia.

3. In its resolution 32/34 of 28 November 1977, the General Assembly rejected the claim that East Timor had been integrated into Indonesia, inasmuch as the people of the Territory had not been able to exercise freely their right to self-determination and independence.

B. Recent developments

4. Indonesia has continued to maintain its military presence in East Timor. In 1997, Indonesian sources stated that it had seven battalions in the Territory, with between 600 and 650 men per battalion.[2] Other sources stated that the Indonesian Government maintained an estimated 15,000 troops in the Territory.[3]

5. East Timorese resistance to Indonesian rule has continued. On 6 June 1997, press reports indicated that at least 36 persons were killed following a series of attacks and violence which were blamed on pro-independence guerrillas. Indonesian police arrested and questioned 130 people in various districts. East Timor experienced a surge of unrest around the period of Indonesia's election (29 May). The guerrillas reportedly launched a wave of attacks in Dili, and in the towns of Baucau, Ermera and Los Palos. Rebels threw a grenade into a truck carrying policemen in the Baucau district, instantly killing 13. Five policemen were killed as they tried to escape, while nine others were injured.[4]

6. Guerrilla leader Mr. David Alex died of gunshot wounds on 25 June 1997 following a shootout with Indonesian soldiers in Baucau, 15 kilometres east of Dili. Five of his followers were captured. The circumstances of Mr. Alex's death have been in dispute as a rebel spokesperson said Mr. Alex was only slightly wounded but later died in the military hospital. Amnesty International called on Indonesia to allow for "an independent and impartial investigation" into Mr. Alex's death.[5] On 27 June 1997, Portuguese President Jorge Sampaio appealed to the United Nations and the international community to "ensure a radical change in human rights" in East Timor.[6]

7. On 30 July 1997, some 14 people who had taken part in a demonstration at the time of the visit of the United Nations Secretary-General's Personal Representative for East Timor on 23 March 1997 were brought to trial. Prosecutor Bonar Pardede charged the defendants, aged between 19 and 33, with publicly advocating separatism. The demonstrators had demanded to meet the United Nations envoy but were blocked by security personnel.[7] They were sentenced to one year in prison.

8. On 4 September 1997, East Timor's "Governor" José Osorio Abilio Soares was re-elected to office by the (local) legislative council, with 90 per cent of the vote. The council, comprising legislators from Golkar, the United Development Party and the Indonesian Democratic Party, elected Soares for a five-year term.[8] President Suharto gave Mr. Soares' election the final approval.

9. In September 1997, a group of Nobel laureates and other prominent figures signed a letter to President Suharto appealing for his "fullest support" for new moves to try to resolve the conflict in East Timor. Those who signed the open letter included former presidents of four nations, Messrs. Richard von Weizsaecker (Germany), F. W. de Klerk (South Africa), Oscar Arias Sánchez (Costa Rica), and Patricio Aylwin Azocar (Chile). Former Australian Foreign Minister Gareth Evans, who also signed the letter, stated that it was a "well-intentioned effort to encourage President Suharto to rethink his position on East Timor, which is obviously still causing Indonesia a great deal of pain in its international relations".[9]

10. On 13 September 1997, a bomb exploded in the Plamongan Indah housing complex in Demak, Central Java. According to a spokesperson of the Indonesian Armed Forces, it was an accidental explosion that occurred during a bomb-making activity managed by the *Associacio*

Socialista de Timor, a pro-independence group.[10] Press reports indicated that the Indonesian authorities arrested at least nine East Timorese youths in Semarang and Dili in connection with the incident.[11]

11. The International Committee of the Red Cross (ICRC) and the 164th Wira Dharma military command in Dili continued to hold regular dialogue in efforts to solve human rights issues in East Timor. The head of ICRC in Dili, Jeurg Frei, said "we've been having good relations with the military since we began holding such dialogues".[12]

12. On 12 November 1997, East Timorese held demonstrations to commemorate the sixth anniversary of the Dili incident of 12 November 1991, when security personnel opened fire, killing a large number of demonstrators. Some 300 students held a candlelit ceremony inside the campus of the University of East Timor. In Yogjakarta, 70 students wore black clothes and unfurled posters and banners before the city legislative building. In Kuala Lumpur, Solidaritas Timor Timur, an organization which supports self-determination for East Timor, issued a statement marking the anniversary. In Washington, D.C., 11 people were arrested in front of the Indonesian Embassy for staging a mock funeral.[13]

13. Media sources reported that on 14 November 1997, a clash ensued between Indonesian troops and students at the University of East Timor. Reports stated that trouble broke out when a number of students started fighting with plain-clothes military personnel who had entered university premises. By the time truckloads of military reinforcements arrived, a large crowd of students had gathered at the university entrance. Police and soldiers started firing their weapons into the air to disperse the crowd.[14] A subsequent report issued by the Indonesian National Human Rights Commission stated that there had been no deaths in the campus clash, but that a number of students and security personnel had suffered injuries.[15]

14. The Asia Pacific Economic Cooperation (APEC) summit held in Vancouver from 24 to 25 November 1997 attracted demonstrators calling on the summit to place the issue of human rights higher on its agenda. Sixteen people protesting Indonesia's presence in East Timor were arrested. A people's summit, an "alternative" conference organized by human rights and labour activists, was held simultaneously. The people's summit filed a petition to Canadian Foreign Minister Lloyd Axworthy, asking Canada to seek a commitment from Indonesia that Indonesians attending protests abroad would not be prosecuted on their return home.[16]

15. In January 1998, East Timorese students held a demonstration in the regional legislative council of Semarang, Central Java's provincial capital. A spokesperson of the students' organization Impetu said that the demonstration followed a series of kidnappings of several East Timorese students and university professor Lucas da Costa in Java in December 1997. Impetu called on the Indonesian Government to protect East Timorese students across the nation against military and police abuses.[17]

16. The Third Asia Pacific Conference on East Timor (APCET III) was held in Bangkok from 2 to 6 March 1998. The organizers said that it was the first time that the Conference had been concluded successfully, despite complaints of police videotaping participants during the first days, and foreign participants having to present work permits. Some 90 academics, parliamentarians and human rights activists attended the conference. The Conference statement called upon the United Nations to place a human rights representative in Dili.[18]

17. Media sources stated that rebel leader Nino Konis Santana died on 11 March 1998 in Ainaro district from injuries sustained during a fall when he was trying to take shelter in one of his hiding places. Mr. Taur Matan Ruak, who was named successor, was quoted as appealing to the Indonesian Government to work in conjunction with the international community towards a peaceful solution, stating that a "radicalism approach" would not benefit Indonesia.[19]

18. On 29 March 1998, a team from the Indonesian National Commission on Human Rights arrived in Dili to investigate the 4 January 1998 death of four residents of Coeliman village in East Timor. The team was scheduled to meet Dili Bishop Carlos Belo as part of their information-gathering. Team member Mr. B. N. Marbun said he welcomed journalists wishing to join the team. He added that all relevant information on the deaths would be collected for further discussion in Jakarta before the results were announced.[20]

19. On 3 April 1998, some 70 East Timorese students staged a peaceful rally in front of the British Embassy in Jakarta, demanding that officials attending the Asia-Europe Meeting in London to include human rights in East Timor in their agenda. A statement issued by the demonstrators "urged European governments not to use the Asian financial crisis as an excuse not to take a stand on East Timor or press Indonesia on it". Riot police from the Menteng subprecinct and troops from the district military command sealed off the area to prevent possible unrest.[21] Indonesian Foreign Minister Ali Alatas said that the issue of East Timor would

not be taken up at the meeting because it was irrelevant and was already being addressed in other forums.[22]

20. On 20 April 1998, Portuguese radio reported that Messrs. Manuel Carrascalao and Francisco Carvalho, two leaders of the Movement of Reconciliation and Unity inside East Timor, had been subjected to continuous interrogation for four consecutive days. Indonesian authorities confiscated symbols of the movement and office equipment, including fax machines, typewriters and various documents.[23] Both men were being investigated for "sowing public hatred against the Government".[24]

21. A meeting entitled East Timorese National Convention in the Diaspora was held in Peniche (north of Lisbon) from 23 to 27 April 1998. East Timorese resistance groups joined forces to establish a unified stand on the future of East Timor. The Convention, which was attended by 208 delegates from more than a dozen political parties, established the Council of Timorese Resistance. The new Council is headed by Mr. "Xanana" Gusmao, East Timorese resistance leader who is still serving a 20-year jail sentence in Jakarta, while Nobel laureate Mr. José Ramos-Horta, East Timorese resistance activist spokesman, was appointed Vice-President. A second vice-president from inside East Timor was also named. The delegates approved a charter of principles entitled "Magna Carta concerning Freedoms, Rights, Duties and Guarantees for the People of East Timor". The Convention was not attended by the Reconciliation Group for East Timor's Development and the East Timor Socialist Association, who ran their own resistance network inside East Timor.[25] Indonesian Foreign Minister Ali Alatas criticized Portugal for supporting the conference, stating that the conference "was undermining the existing efforts by the United Nations Secretary-General under the tripartite dialogue"[26] and would "only sharpen the polarization among the East Timorese".[27] He also stated that the conference would affect the All-Inclusive Intra-East Timorese Dialogue which would "lose its useful aims".

22. A number of East Timorese continued to seek asylum in foreign embassies in Jakarta. Four adults and two children remain at the Austrian Embassy after taking refuge there in September 1997. Indonesian authorities have refused to give safe passage to two East Timorese whom they accuse of being involved in causing a bomb explosion in Central Java on 13 September 1997.[28] Four asylum-seekers who entered the Bulgarian Embassy in June 1997 were handed over to the Indonesian police hours after their entry.[29] In January 1998, five East Timorese sought asylum at the French Embassy[30] while eight sought refuge at the Spanish Embassy.[31] In February 1998, a group of six entered the Spanish Embassy,[32] and in April, four East Timorese entered the British Embassy seeking asylum.[33] All were eventually granted safe passage to Lisbon.

III. Human rights situation

23. A member of the Commission on Human Rights since 1991, Indonesia has repeatedly affirmed its commitment to international human rights principles.

24. The United States Department of State, in its 1997 annual report on human rights released on 30 January 1998, stated that during 1997, the Government of Indonesia "continued to commit serious human rights abuses". Following the massive December 1996 demonstrations in Dili in support of Nobel Peace Prize recipient Bishop Belo, an early 1997 campaign of harassment and detention by the security forces in East Timor raised tension to a high level. During the Indonesian parliamentary elections in May and its aftermath, East Timor's low-level insurgency intensified with guerrilla attacks that inflicted the highest number of deaths in years on security personnel and civilians. These attacks were followed by the capture and death of a prominent guerrilla commander and widespread detentions, accompanied by reports of killings, disappearances, torture and excessive use of force on the part of the authorities. In November, at least five students were injured when a large number of security personnel entered the University of East Timor campus and opened fire. Authorities said that security forces had used only rubber bullets, but, according to independent human rights organizations, several of the injured students were reportedly shot and two suffered from bayonet wounds. ICRC was permitted to visit the wounded students.

25. According to the same report no significant progress was made in accounting for persons missing following the 1991 Dili incident or others who disappeared in recent years. The report indicated that troop levels remained unjustifiably high, totalling more than 16,000 personnel. The Government was accused of relying on bands of youths, organized and directed by the military, to intimidate its opponents. Such a civilian paramilitary group, known as the *gada paksi*, was said to have been frequently involved in night-time raids in Dili. Their activities abated in the latter half of 1997. The Government granted limited access to East Timor for foreign journalists but banned travel by all foreign human rights non-governmental organizations except ICRC. Increased efforts of the Catholic Church and others, along with better understanding of the international humanitarian norms among senior military officers, improved the overall quality of human rights monitoring in East Timor. Young East

Timorese mounted further intrusions into various embassies in Jakarta, seeking asylum or publicity for their cause. Credible sources confirmed several deaths in detention during 1997. In June, an individual known as "Januario" was detained in Baucau and severely beaten. He died while being transported to Dili. There were also credible reports that detainees in East Timor were shot to death while allegedly attempting to escape. Military units regularly detain civilians for interrogation, most are held in extralegal military detention centres, often with no notification of relatives. All 32 people detained following a demonstration at the Makhota Hotel in Dili in March suffered beatings at the hands of the police. On 4 April, four residents of Lavateri village near Baucau, detained by an intelligence team, were reportedly beaten with rifle butts. On 26 February, six East Timorese detained by the Joint Intelligence Unit in Liquica, were reportedly tortured with electric shocks and immersion in ice water. Legal action is being pursued in the case of a woman allegedly the victim of repeated rapes by military personnel in November 1996 while in military custody. Many prisoners are serving sentences for subversion. On 17 August, Juvencio de Jesus Martins was released under normal remission procedures.

26. The United States Department of State report points out that the Indonesian Government revived its transmigration programme, this time with private corporate support. Some critics claim that the programme has been used as a political tool to inject non-indigenous people into certain areas to "Indonesianize" these areas, in part to preclude pro-independence movements. Indigenous groups have complained about receiving less government support and funding than transmigrants. Transmigrants complain about inadequate infrastructure to support them and less than desirable land. On 12 September, an NGO-sponsored seminar on East Timor was held in Jakarta without government interference. On 8 September, a public dialogue between the military, the Government and NGOs was held. The Government reiterated its position that it considered outside investigations or foreign-based criticism of alleged human rights violations to be interference in its internal affairs. Although it experienced serious delays, ICRC was able to visit the vast majority of detainees in East Timor. However, it periodically faced difficulty in implementing its humanitarian programme. The government-appointed National Human Rights Commission, in its fourth year of operation, continued to be active in examining reported human rights violations and continued to show independence. However, the Government has moved slowly in responding to the Commission's findings, including the October 1996 report on the 1996 "27 July incident". The report listed 23 missing, 149 injured and 5 dead. Two government ministers publicly declared the case closed in August and said that there should be no more public discussion of the incident. The Commission's opening of an East Timor office in June 1996 was regarded as a positive step in the effort to address human rights abuses. However, observers have doubts about its effectiveness, owing to the office's proximity to the local military headquarters, its reliance on government-provided staffing, and the fact that it can only receive complaints and report them to Jakarta. The office has also limited itself to non-political cases, therefore making little impact with regard to more serious human rights problems in East Timor.[34]

27. In September 1997, *Human Rights Watch* issued a report on Indonesia/East Timor. The following are excerpts from the summary and conclusion of that report.

> "The months of May, June, and July 1997 seemed to mark an intensification of the conflict in East Timor, with guerrilla attacks on both Indonesian military targets and civilians in Dili, Baucau, Ermera, and Los Palos, and intensive operations by the Indonesian army to find and punish those responsible. The timing of the attacks was linked to the 29 May national elections in Indonesia in which Foreign Minister Ali Alatas ran representing East Timor on the list of the ruling party, Golkar. Both Mr. Alatas and Transmigration Minister Siswono Yudohusodo made highly publicized campaign visits to East Timor in mid-May, with Mr. Alatas challenged by students at the University of East Timor for Indonesia's refusal to hold a referendum on the Territory. Mr. Siswono's presence [is] serving to underscore the highly sensitive issue of how government-sponsored migration is changing the demographics of East Timor. The outcome of the election was never in doubt – Golkar won in East Timor by more than 80 per cent of the vote as opposed to its 74 per cent overall victory in Indonesia – but guerrillas targeted polling places, election officials, and, in some cases, voters to highlight their rejection of Indonesian rule. Some thirty people died in these attacks, including at least ten civilians, whose deaths Human Rights Watch condemned as a clear violation of international law.
>
> "But violations of humanitarian law by the guerrillas, (...) cannot justify violations in return by the Indonesian Government and armed forces: the months following the attacks have been characterized by widespread arbitrary detention, torture, and at least one high-profile death in custody that needs further investigation. (...) Military teams have been

systematically rounding up large numbers of people, detaining them for days or weeks at a time without a warrant or detention order, and intimidating or torturing them so that the army can get information about possible suspects. Hundreds of East Timorese, men and women, were arrested in this manner in June and July 1997, a continuation of a long-established pattern in East Timor.

"Torture, particularly with electric shocks but also with a variety of instruments such as rattan, metal pipes, and electric cable, is a standard method of interrogation used by police and army personnel alike. Torture is carried out primarily in police stations and military posts or intelligence safe houses immediately after arrests, but Human Rights Watch has also received reports of arresting officers taking suspects from their homes into forest areas in the vicinity and torturing them for information there, where there may be less danger of word filtering back to local human rights monitors or the International Committee of the Red Cross (ICRC). Torture has even apparently become a source of income for individual officers in East Timor who are selling photographs and even videotapes of interrogation sessions to the highest bidder, with the price rising as more details (such as where and when the interrogation took place) are included.

"It is important to note that the conflict did not suddenly erupt again in May after a long period of dormancy. Rather, tensions have escalated steadily in recent years as the army has tried to "Timorize" the security forces, with a heavy reliance on unemployed young people as informers, and as socio-economic problems (a high unemployment rate; development policies seen as favouring non-Timorese; and an increasing number of Indonesian migrants) have fuelled resentment of the Indonesian presence. The attacks in May were preceded by a series of violent outbreaks, each of which led to mass arrests and accompanying human rights violations.

"The human rights situation in East Timor has worsened. Despite some high-profile prosecutions, such as the arrest in 1996 of officers accused of summary executions in Liquica, East Timor, there appears to have been no progress on the part of the Indonesian military command in East Timor in curbing torture and arbitrary arrests. This is not to suggest that no arrests in East Timor are ever justified. The Indonesian Government is, after all, fighting an armed insurgency. But East Timorese civilians and non-combatants need protection from human rights violations by the Indonesian army, and instead of taking steps to prevent abuses, Indonesian officers uniformly put the blame on guerrillas and their supporters. Almost twenty-two years since the Indonesian invasion of East Timor, no end to the political violence is in sight."[35]

28. A March 1998 report of *Amnesty International* focused on the implementation of the recommendations contained in the report of the United Nations Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions (E/CN.4/1995/61/Add.1) after a visit to the Territory from 3 to 13 July 1994. It stated that, with the exception of the recommendation on the establishment of a human rights commission, the Government of Indonesia had so far not acted on the other recommendations contained in that report. It noted that the Indonesian National Human Rights Commission (*Komnas HAM*), which was established by Presidential Decree in 1993, had become an important mechanism for the protection of human rights in East Timor. Its findings had resulted in some members of the military facing prosecution for violations of human rights. However, *Komnas HAM* had limited resources and legal powers and the Indonesian Government often ignored its findings or implemented them only partially. Its Dili office had not operated effectively as it conducted few if any investigations into recent violations of human rights, leaving East Timorese without even this limited mechanism for seeking justice and redress for human rights violations. Its operations were subject to intensive military surveillance. With regard to the violence which intensified during general elections held in East Timor, the report indicated that the *Falintil* (East Timorese National Liberation Army) attacked military and civilian targets and that resistance sources admitted to some of the civilian deaths. It condemned *Falintil's* attacks on civilians but stated that investigations on subsequent similar allegations had not been possible because of restrictions on access to East Timor imposed by the Indonesian Government. The unwillingness, or the inability of the Indonesian Government to implement recommendations made by the Special Rapporteur and other United Nations mechanisms and experts reflected a general reluctance by the authorities to address the fundamental causes of human rights violations in East Timor, including the impunity enjoyed by the security forces.[36]

29. On 6 November 1997, five members of the United States Congress addressed a letter to Treasury Secretary Robert Rubin, urging the withdrawal of United States support for the International Monetary Fund-led aid package to Indonesia unless Indonesia "stops its oppressive practices

and shows respect for the people of East Timor".[37] On 10 June 1997, United States Congressman Patrick Kennedy introduced an amendment to the Foreign Relations Reform Act, which was unanimously approved by the United States House of Representatives. According to a press release, the amendment would express "a sense of Congress in condemning the human rights abuses committed against the people of the former Portuguese colony of East Timor by the Indonesian Government".[38]

IV. Economic, social and educational conditions

30. In the absence of information submitted by the administering Power under Article 73 *e* of the Charter of the United Nations and for reasons explained in paragraph 52 below, the following information on economic, social and educational conditions in the Territory has been derived from the press releases of the Permanent Mission of Indonesia to the United Nations, which have described the prevailing conditions as follows:

A. Economic growth

31. Information from the Government of Indonesia dated 7 August 1997 indicated that, during the past 10 years, East Timor's economy has been growing at the average rate of 10 per cent a year higher than the 6.8 per cent growth recorded in the other provinces. The Indonesian Government points out that East Timor's economic growth almost parallel led the rapid economic growth of East Java and Yogjakarta. As a result, the income per capita of the province has increased 10 times since the US$ 34.2 of the mid-1970s, according to the same sources.

32. According to the Indonesian Government, for the budget year 1997/1998, the amount of government spending for development programmes was over 200 million rupiah. In order to catch up with developments of other provinces, the Government has accorded priority to East Timor and the development spending per capita was the highest when compared to other provinces.

33. In recent months, the development expenditure has included the following: President Suharto inaugurated the giant statue of Christ the King at Fatumaca Hill, Dili; on 15 October 1996, several other development projects of approximately US$ 45 million were also inaugurated by President Suharto; the Minister of Foreign Affairs launched 11 development projects covering irrigation, bridges, water supply systems, schools, housing improvements and waste/garbage disposal on 24 May 1997; and the Minister for Investment inaugurated two factories in Dili for manufacturing textiles and iodized salt and which would predominantly hire East Timorese.

B. Employment

34. The information also indicated that, as in the case of many provinces in Indonesia, unemployment among the East Timorese youth remained a problem and needed to be addressed. In this regard, during the last five years, a total of 1,508 young East Timorese have been employed in the business sector in 10 Indonesian provinces. In addition, at the end of 1995, the Government recruited 2,000 East Timorese in the civil service sector, including 334 in the provincial government, 316 in the district government, 300 in the field of education, 180 as paramedics, 175 in the agriculture sector, 120 in the public works and the rest are employed in the private sector. Furthermore, the Government has established vocational training programmes for the youth to become small-scale entrepreneurs.

C. Agriculture

35. The Operational Director of the United States-based National Cooperative Business Association (NCBA) stated that East Timor's organic coffee products were exported to the United States, Australia, New Zealand, Italy and the Netherlands. In cooperation with the rural cooperative unit (*Puksud*), a total of 1,060 tons have been exported since 1995. Besides exporting East Timor's coffee products to other countries, NCBA also provides special training for local farmers and coffee growers.[39]

D. Water

36. On 14 September 1997, the Australian Government announced that it would grant 4 million Australian dollars (US$ 2.88 million) to provide clean water to an additional 20,000 people of East Timor. The office of Australian Foreign Minister Alexander Downer said that this support would continue the ongoing water supply and sanitation project for 18 months, until March 1999.[40] ICRC head, Jeurg Frei, said that ICRC has also established cooperation with the Indonesian Red Cross in implementing 54 projects aimed at providing people with clean water.[41]

37. The following information was derived from other media sources:

E. Communications and transport

38. Indonesian Government statistics indicate that East Timor currently has almost 2,700 kilometres of modern asphalted roads, connecting the 13 districts of the 14,609 square-kilometre province.[42]

39. The Timor Kmanek, a new radio station sponsored by Dili Bishop Carlos Belo, was inaugurated by "Governor" Soares on 4 February 1998. Mr. Soares said he hoped that the new station would improve development in East Timor. Bishop Belo expressed hope that the station would form a common bond among Catholics in East Timor's villages. Broadcasts will be aired in the local Tetun language.[43]

F. Education and training

40. A reported 22 per cent (190,783) of the population of 857,000 receive formal education. East Timor has five universities, with total enrolment of 5,000. There are 239 schools including 63 kindergartens, 114 junior high schools, 37 senior high schools and 16 vocational training schools. At least 3,416 teachers are employed at the schools. Local authorities state that about 17,000 East Timorese are jobless and the number is expected to rise by 4,000 annually, due to the disparity in job opportunities and new graduates.[44]

41. A press release dated 5 July 1997 announced that the Norwegian oil company, Statoil, will sponsor young East Timorese to travel to Norway to receive training in oil exploration. Under a five-year accord, an initial sum of approximately US$ 483,000 would finance the training of five or six students. A Norwegian organization, World Viem Right, and the Cardinal Martinho da Costa Lopes foundation would manage the grants.[45] Another press report stated that the Norwegian Government, through the Oslo-based Bishop Belo Educational Foundation, had offered scholarships to East Timorese students to pursue their studies in Norwegian universities. The Foundation provided scholarships for some 300 students from different countries in 1997.[46]

G. Health care

42. Health facilities include 11 hospitals, 256 community health centres, 288 auxiliary community health centres and 1,003 integrated health service posts. Almost every health centre has one or two doctors and a dozen nurses.[47]

H. Religion

43. Several religions are practised in East Timor. There are 765,135 Catholics, 30,538 Protestants, 24,938 Muslims, 5,500 Hindus and 2,787 Buddhists.[48]

I. Housing

44. The East Timor administration needs more funds to build new houses for indigenous people, who are still living in leaf-roofed huts in many areas. Each "regency" may require at least 1 billion rupiah in assistance to improve the people's welfare and build them adequate housing.[49]

J. Tourism

45. There is ample potential for the development of a tourism industry in East Timor. The enclave of Ambeno, Atauro and Jaco islands are touted as having the most potential. The islands have various natural tourist attractions and several cultural and historical sites. Hot water springs at Maurobo in the Bobonaro regency and the fortresses of Balibo and Maubara are also potential tourist attractions. Vast coffee plantations in Ermera and Ainaro, well known for cool weather, are considered interesting sites. White sandy beaches in Dili, Liquica and Baucau, as well as the sea gardens in Behau and Atauro, could attract tourists to East Timor.[50]

K. Transmigration

46. On 7 July 1997, the local transmigration office announced that 560 families from Indonesian islands and East Timor would be settled in East Timor in three transmigration sites. The "provincial" administration would offer families training and development while the Indonesian Ministry of Transmigration's local office would provide land and tools for young farmers in the "crash programme" to reduce unemployment. According to the local ministry's office, 6,484 families, or 28,950 resettlers, are now living in East Timor. Of those, 2,300 families were being trained in farming and the remaining 4,148 families were under the Ministry's supervision.[51] Since 1982, the Indonesian

Government has resettled a total of 8,940 families, most of them from Java, to improve social and cultural conditions.[52]

L. Oil

47. In November 1997, the Australia-Indonesia joint authority approved the US$ 42 million development plan for the oil field in the Timor Gap, clearing the way for first production in December 1998. A 1989 Timor Gap Treaty divided the 61,000 square kilometres stretch of continental shelf between East Timor and Australia, believed to contain huge oil and gas reserves. Partners in the development include BHP Petroleum, Santos, Inpex Sahul and Petroz.[53] East Timor "Governor" Soares said he had been encouraging contractors to make districts of Betano, Natabora and Viqueque their base camp for the exploration.[54] A report indicated that if the giant storage tank was constructed in East Timor, this could employ 1,000 workers in the next three years.[55] Scores of East Timorese youth were joining oil and gas training programmes in Central Java.[56]

V. Consideration by the United Nations

48. The Security Council, in its resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976 "call[ed] upon all States to respect the territorial integrity of East Timor, as well as the inalienable right of its people to self-determination in accordance with General Assembly resolution 1514 (XV)", and also "call[ed] upon the Government of Indonesia to withdraw without delay all its forces from the Territory". Between 1961 and 1982, the General Assembly annually reviewed the question of East Timor and adopted resolutions on the basis of reports submitted by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.[57] Since its thirty-eighth session, the General Assembly has deferred consideration of the item.[58]

49. Since 1977, the Government of Portugal, in its capacity as administering Power of East Timor, has annually informed the Secretary-General that, owing to conditions prevailing in the Territory, namely, the presence of armed forces of Indonesia, it has, de facto, been prevented from transmitting any information concerning East Timor under Article 73 *e* of the Charter of the United Nations.[59]

50. At its thirty-seventh session, by resolution 37/30 of 23 November 1982, the General Assembly requested the Secretary-General to initiate consultations with all parties directly concerned, with a view to exploring avenues for achieving a comprehensive settlement of the problem, and to report to the General Assembly at its thirty-eighth session. The Assembly requested the Special Committee to keep the situation in the Territory under active consideration and to render all assistance to the Secretary-General to facilitate implementation of the resolution.

51. Since 1983, the Secretary-General has conducted tripartite talks involving Indonesia and Portugal, as well as consultations with East Timorese representatives. He has kept the General Assembly regularly apprised of developments related to the exercise of his good offices.[60] His most recent progress report, submitted to the Assembly at its fifty-second session, is contained in document A/52/349.

52. On 6 June 1997, the spokesman for the Secretary-General issued the following statement:

> "The Secretary-General has been following with concern the reports of the recent violence incidents in East Timor which have resulted in the loss of life and are causing considerable human suffering. The Secretary-General has called on all parties concerned to exercise restraint. It may be recalled that the Secretary-General is scheduled to hold meetings with the Foreign Ministers of Indonesia and Portugal on 19 and 20 June in New York on the question of East Timor."[61]

53. On 19 and 20 June 1997 , the Secretary-General met with the Foreign Ministers of Indonesia and Portugal in New York, wherein the two foreign ministers agreed to the Secretary-General's proposal that talks be continued at the working level, chaired by Mr. Jamsheed Marker, the Secretary-General's Personal Representative for East Timor, and that their substance be kept confidential.[62] The Ministers also agreed that the All-Inclusive Intra-East Timorese Dialogue would continue and that the Secretary-General's Personal Representative would carry out the necessary consultations for the convening of the next meeting. The working-level senior officials meeting began in August 1997 and subsequent rounds were held in October and November 1997 and in May 1998.

54. During his state visit to Indonesia in July 1997, South African President Nelson Mandela lent his support to the Secretary-General's good offices and discussed the issue of East Timor with Indonesian President Suharto. With the agreement of his host, President Mandela met with Mr. "Xanana" Gusmao, the East Timorese pro-independence leader serving a 20-year jail term, after which he briefed the Secretary-General on those discussions. The Secretary-

General also dispatched Ambassador Marker to Pretoria in August 1997 for further discussions with President Mandela.[63]

55. In a note verbale dated 19 May 1997 addressed to the Secretary-General (A/52/152), the Permanent Representative of Portugal stated that it remained unable to provide information on East Timor required by Article 73 *e* of the Charter owing to the illegal occupation of the Territory by a third country and drew attention to reported developments concerning East Timor. By a letter dated 5 September 1997 addressed to the Secretary-General (A/52/323-S/1997/691) the Permanent Representative of Portugal transmitted a note verbale from the Portuguese Embassy in Canberra to the Department of Foreign Affairs and Trade of Australia, protesting against the signing of a treaty between Australia and Indonesia establishing an exclusive economic zone and certain seabed boundaries in as far as such Treaty related to East Timor. By a letter dated 8 September 1997 addressed to the Secretary-General (A/52/333), the Permanent Representative of Indonesia transmitted a note verbale in response to the communication of 19 May (A/52/333) from the Permanent Mission of Portugal. The note verbale offered information on the situation in East Timor.

56. The third round of the All-Inclusive Intra-East Timorese Dialogue was held at Krumbach, Austria, from 20 to 23 October 1997. At the conclusion of the meeting, the 34 participants adopted a Declaration by consensus. The full text of the Krumbach Declaration is reproduced in the annex to the present report. The outcome of the meeting was conveyed to the tripartite talks through the Secretary-General's Personal Representative for East Timor.[64]

57. In November 1997, the Secretary-General held talks with Portuguese President Sampaio and Prime Minister Gutteres during the Ibero-American summit in Venezuela. On 17 December 1997, the Secretary-General met with Indonesian Foreign Minister Ali Alatas in Kuala Lumpur during the meeting of the Association of South-East Nations (ASEAN) and discussed the latest developments on regional issues, including East Timor.[65] In December 1997, Mr. Jamsheed Marker, the Personal Representative of the Secretary-General visited East Timor and Jakarta. He met with Indonesian Foreign Minister Ali Alatas and other high-ranking civilian and military officials.[66] In January 1998, Mr. Marker visited Portugal and met with the President and Prime Minister, as well as with Foreign Minister Gama and a number of East Timorese representatives.

58. During the general debate at the fifty-second session of the General Assembly, the representatives of Angola (A/52/PV.10), Cape Verde (A/52/PV.10) and Portugal (A/52/PV.8) referred to the question of East Timor in their statements. Indonesia and Portugal exercised their rights of reply on the issue (A/52/PV.8).

59. In the general debate in the Third Committee, the representatives of Canada and Portugal referred to the question of East Timor. In the general debate of the Special Political and Decolonization Committee (Fourth Committee), representatives of Brazil, Ghana and Portugal made reference to the question of East Timor under the agenda item "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples".

60. The Special Committee considered the question of East Timor at its 1474th to 1477th meetings on 16 and 17 June 1997. During those meetings, the Committee heard statements by the representatives of Indonesia (A/AC.109/SR.1474); Portugal as the administering Power (A/AC.109/SR.1474); and Sao Tome and Principe (on behalf also of Angola, Cape Verde, Guinea-Bissau and Mozambique) (A/AC.109/SR.1474); as well as 41 petitioners. The representative of Indonesia made a further statement on a point of order at the same meeting. At its 1477th meeting, on 17 June 1997, on the proposal of the Chairman, the Special Committee decided to continue consideration of the item at its next session subject to the directives which the General Assembly might give in that connection at its fifty-second session, it being understood that reservations expressed would be reflected in the record of the meeting.

61. The question of East Timor was considered by the United Nations Subcommittee for Prevention of Discrimination and Protection of Minorities at its 5th and 14th meetings, held on 13 and 20 August 1997, respectively. The documents pertaining to that consideration are listed below:

(a) Summary record of the 5th meeting, held at the Palais des Nations, Geneva, on 13 August 1997. Commission on Human Rights, Subcommission on Prevention of Discrimination and Protection of Minorities, forty-ninth session (E/CN.4/Sub.2/1997/SR.5);

(b) Summary record of the 14th meeting, held at the Palais des Nations, Geneva on 20 August 1997. Commission on Human Rights, Subcommission on Prevention of Discrimination and Protection of Minorities, forty-ninth session (E/CN.4/Sub.2/1997/SR.14).

62. The question of East Timor was subsequently considered by the United Nations Commission on Human

Rights. The documents pertaining to that consideration are listed below:

(a) Status of the International Covenants on Human Rights. Written statement submitted by human rights advocates (E/CN.4/1998/NGO/26);

(b) Situation in East Timor: report of the Secretary-General (E/CN.4/1998/58);

(c) Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular: torture and other cruel, inhuman or degrading treatment or punishment. Report of the Special Rapporteur, Mr. Nigel Rodley, submitted pursuant to Commission on Human Rights resolution 1997/38 (E/CN.4/1998/38 and Add.1);

(d) Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1998/68/Add.1);

(e) Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1998/43).

63. On 24 April 1998, the Chairman of the Commission on Human Rights issued a statement on East Timor. The full text of the statement is reproduced below:

"The Commission on Human Rights discussed the human rights situation in East Timor.

"The Commission continues to follow with deep concern the reports on violations of human rights in East Timor.

"The Commission recalls the undertakings by the Government of Indonesia to promote human rights in East Timor and those contained in Chairman's statements on the matter at previous sessions. The Commission stresses the need for their implementation, including concrete steps on the early trial and release of East Timorese detained or convicted, and for those in custody to be treated humanely. The Commission reiterates the need for further clarification of the circumstances surrounding the Dili incident of 1991.

"The Commission welcomes the advanced progress towards concluding the Memorandum of Understanding between the Government of Indonesia and the Office of the High Commissioner for Human Rights on technical cooperation and agreement on the early assignment of a programme officer to implement the technical cooperation programme. In this regard, the Commission notes the understanding between the Government of Indonesia and the High Commissioner for Human Rights concerning the access of the programme officer to East Timor, within the framework of technical cooperation.

"The Commission welcomes the efforts of the Indonesian National Commission on Human Rights to promote and protect human rights and undertake fact-finding enquiries into human rights violations, including through its office in Dili. The Commission notes the commitment by the Government of Indonesia to continue to allow greater access to East Timor by the international media and international humanitarian organizations.

"The Commission welcomes the intention of the Government of Indonesia to continue to cooperate with the Commission on Human Rights and its mechanisms and, in particular, the Government's decision to invite the Working Group on Arbitrary Detention to visit East Timor in advance of the fifty-fifth session of the Commission.

"The Commission notes with interest the Government of Indonesia's decision to launch a National Plan of Action on human rights in 1998 and, in that context, the Government's intention to ratify the Convention against Torture.

"The Commission welcomes the dialogue under the auspices of the Secretary-General for achieving a just, comprehensive and internationally acceptable solution to the question of East Timor. In this context, the Commission stresses the need for constructive actions in order to promote a favourable atmosphere for further progress towards a solution. The Commission welcomes the report of the Secretary-General, the work of his special representative, in particular the establishment of regular dialogue at senior official level, and the continuing all-inclusive intra-East Timorese dialogue.

"The Commission requests the Secretary-General to keep it informed on the situation of human rights in East Timor and will consider the matter at its fifty-fifth session."

VI. Consideration by regional organizations

64. On 18 July 1997, the Foreign Ministers of the Community of Portuguese-Speaking Countries – Angola, Brazil, Cape Verde, Guinea-Bissau, Mozambique, Portugal

and Sao Tome and Principe – decided to give East Timor observer status in the organization from 1998. The decision came after a unanimous vote to change its rules thus allowing the admission of East Timor.[67]

65. During his visit to Indonesia in August 1997, British Foreign Secretary Robin Cook met with President Suharto and Foreign Affairs Minister Ali Alatas. At a meeting, Mr. Robin Cook suggested that the European Union Troika visit East Timor in 1998 better to inform the European Union of the political situation there. Mr. Ali Alatas had welcomed the suggestion stating that European Union ambassadors were free to travel to East Timor.[68]

66. The Seventh Summit of the Heads of State and Government of the Ibero-American Countries, held at Margarita Island, Venezuela in November 1997, adopted the Margarita Declaration. In the Declaration, the member States congratulated and supported the renewed efforts of the Secretary-General of the United Nations to give new impetus to dialogue aimed at finding a just, global and internationally-accepted solution to the issue of East Timor within the framework of norms and principles of international law.

Notes

[1] *Indonesian Observer*, 18 July 1997.

[2] *South China Morning Post*, 30 August 1997.

[3] *World News (Australia)*, 30 March 1998.

[4] *The Guardian*, 30 May 1997; *Agence France-Presse*, 1 and 6 June 1997.

[5] *The Herald Tribune*, 27 June 1997; *Agence France-Presse*, 5 July 1997.

[6] *Agence France-Presse*, 27 June 1997.

[7] *ANTARA*, 1 August 1997.

[8] *Reuters*, 4 September 1997.

[9] *International Herald Tribune*, 11 September 1997.

[10] *ANTARA*, 21 and 23 October 1997.

[11] *Agence France-Presse*, 5 January 1998.

[12] *The Indonesian Times*, 15 October 1997.

[13] *Reuters*, 12 November 1997; *Indonesian Times*, 13 November 1997; *Agence France-Presse*, 13 November; *The Jakarta Post*, 14 November 1997.

[14] *The Weekend Australian*, 15-16 November 1997.

[15] *News & Views Indonesia*, Review of November/December 1997.

[16] *Agence France-Presse*, 24 and 25 November 1997; *Reuters*, 24 November 1997.

[17] *Ibid.*, 5 January 1998.

[18] *The Associated Press*, *Comtex Scientific Corporation* and *Deutsche Presse-Agentur GmbH*, 6 March 1998.

[19] *Reuters*, 31 March 1998.

[20] *The Indonesian Observer*, 30 March 1998.

[21] *Agence France-Presse*, 3 April 1998; *The Associated Press*, 6 April 1998.

[22] *Berita Antara*, 27 March 1998.

[23] RDP Antena 1 radio, Lisbon, 1200 gmt, 20 April 1998.

[24] *The Associated Press*, 17 April 1998.

[25] *Berita Antara*, 29 April 1998.

[26] *The Associated Press*, 23 April 1998.

[27] *Reuters*, 24 April 1998.

[28] Ibid., 12 October 1997; *The Indonesian Times*, 22 October 1997.

[29] *Agence France-Presse*, 31 August 1997.

[30] Ibid., 15 January 1998.

[31] *The Associated Press*, 28 January 1998.

[32] *Reuters*, 10 February 1998.

[33] *The Associated Press*, 22 April 1998.

[34] United States Department of State, Indonesia Report on Human Rights Practices for 1997, Washington, D.C., 30 January 1998.

[35] *Human Rights Watch*, Indonesia/East Timor: Deteriorating Human Rights in East Timor, Vol. 9, No. 9 (c), September 1997.

[36] *Amnesty International*. East Timor: Broken Promises – Implementation of the Recommendations of the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions Following a Visit to Indonesia and East Timor in 1994. ASA 21/24/98, March 1998.

[37] Letter dated 6 November 1997 addressed to the Honourable Robert E. Rubin, Secretary of the Department of The Treasury, United States, from Representatives Barney Frank, Tony P. Hall, Patrick J. Kennedy, Nancy Pelosi and Joseph P. Kennedy.

[38] Press Release, Office of the Congressman Patrick J. Kennedy, First District, Rhode Island, 10 June 1997.

[39] *ANTARA*, 30 July 1997.

[40] Ibid., 15 September 1997.

[41] *The Indonesian Times*, 15 October 1997.

[42] *The Indonesian Observer*, 18 July 1997.

[43] Ibid., 5 February 1998.

[44] Ibid., 18 July 1997.

[45] *Agence France-Presse*, 5 July 1997.

[46] *Berita Antara*, 2 April 1998.

[47] *The Indonesian Observer*, 18 July 1997.

[48] Ibid.

[49] Ibid.

[50] Ibid.

[51] *The Jakarta Post*, 8 July 1997.

[52] *The Indonesian Observer*, 18 July 1997.

[53] *The Jakarta Post*, 31 October 1997; *The Age: Melbourne Online*, 7 November 1997.

[54] *ANTARA*, 7 July 1997.

[55] *Berita Antara*, 24 February 1998.

[56] *The Indonesian Times*, 4 November 1997.

[57] See General Assembly resolutions 1699 (XVI), 1807 (XVII), 1913 (XVIII), 2107 (XX), 2184 (XXI), 2395 (XXIII), 2507 (XXIV), 2707 (XXV), 2795 (XXVI), 2918 (XXVII), 3113 (XXVIII), 3294 (XXIX), 3485 (XXX) and 31/53 , relating to the question of Territories under Portuguese administration, including East Timor; see also General Assembly resolutions 32/34, 33/39, 34/40, 35/27, 36/50 and 37/30 on the question of East Timor.

[58] General Assembly decisions 38/402, 39/402, 40/402, 43/402, 46/402, 49/402, 50/402, 51/402; see also A/41/PV.3, A/44/PV.3, A/45/PV.3, A/47/PV.3 and A/51/PV.3.

[59] See A/35/233, A/37/160, A/37/125, A/39/136, A/40/159, A/41/190, A/42/171, A/43/219, A/44/262, A/45/172, A/46/131, A/47/189, A/48/130, A/49/184, A/50/214 and A/51/361. Owing to lack of information from the administering Power, the information contained in the present working paper has been derived from other sources.

[60] A/38/352, A/39/361, A/40/622, A/41/602, A/42/539, A/43/588, A/44/529, A/45/507, A/46/456, A/48/418, A/49/391, A/50/436 and A/51/361.

[61] SG/SM/6248, 6 June 1997.

[62] Press release SG/2035 dated 23 June 1997.

[63] *Agence France-Presse*, 26 November 1997.

[64] Press release DH/2505 dated 24 October 1997.

[65] *Berita Antara*, 17 December 1997.

[66] *ANTARA*, 20 December 1997; *The Indonesian Observer*, 20 December 1997.

[67] *Agência Lusa*, 22 July 1997.

[68] *South China Morning Post*, 30 August 1997.

Annex

Krumbach Declaration of 1997

On the basis of the terms of reference set out in paragraph 3 of the communiqué issued after the fifth Ministerial round at Geneva in 1995, the third All-Inclusive Intra-East Timorese Dialogue (AIETD) was held at Krumbach, Austria from 20 to 23 October 1997.

Referring to paragraphs 4 and 5 of the Burg Schlaining Declaration of 22 March 1996,

Bearing in mind the recommendations expressed in the message of Ambassador Jamsheed Marker, Personal Representative of the Secretary-General of the United Nations for the Question of Timor Lorosae,

Expressing their gratitude to the Secretary-General of the United Nations, his Special Representative for Timor Lorosae and their assistants for having facilitated AIETD III at the Castle of Krumbach, Austria,

Expressing likewise their gratitude and appreciation to the Austrian Government for its hospitality in welcoming the participants of AIETD for the third time,

Saluting the Catholic Church of Timor Lorosae, represented in the person of His Most Reverend Excellency Dom Carlos Filipe Ximenes Belo, SDB, Apostolic Administrator of the Diocese of Dili, holder of the Nobel Peace Prize,

Saluting the Timorese Christian Church in the person of the Reverend Arlindo Marçal,

Thanking the Governments of Portugal, Indonesia and other countries which, through their contributions, made the holding of this meeting possible,

Noting with satisfaction the climate of frankness and openness which made possible the free discussion and analysis of all the questions presented,

The participants,

1. Reaffirm their confidence in and total support for the current Tripartite Dialogue between the Governments of Portugal and Indonesia under the auspices of the Secretary-General of the United Nations aimed at finding a just, comprehensive and internationally acceptable solution for the Question of Timor Lorosae;

2. Express their interest in and availability for continuing the AIETD should they be requested by the Secretary-General of the United Nations, within the framework in which this was carried out, in order to continue the debate on concrete and practical ideas leading to the creation of confidence-building measures, with a view to contributing to a solution for the Question of Timor Lorosae;

3. Approve the name, objectives, organic structure and sources of financing of the Centre for Culture and Development of Timor Lorosae [*Centro de Cultura e Desenvolvimento Timor Lorosae (CCDTL)*] in accordance with the annexed document;

4. Express their deep concern at the escalation of violence in the territory and undertake to do everything in their power to contribute to the achievement of a lasting peace;

5. Reaffirm the urgent need to implement suitable measures for the promotion and protection of human rights in general and, in particular, for the protection and promotion of women, children and young people;

6. Pursuing the efforts aimed at strengthening the dialogue among Timorese, the participants of the AIETD residing in the diaspora shall invite their brothers and sisters residing inside to visit the Timorese communities in Australia, Portugal and Macau on a date to be agreed upon. The details shall be determined in due course by the parties concerned, possibly by the time of Expo 1998;

7. Similarly, the participants residing inside *shall* invite their brothers and sisters residing in the diaspora to visit the Territory of Timor Lorosae on a date to be agreed upon, the details being determined in due course by the parties concerned.

Krumbach, Austria, 23 October 1997

Signatures.